

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

TEXAS DATA CO., LLC,

Plaintiff,

v.

CVS CAREMARK CORPORATION,

Defendant.

Case No. 2:10-cv-00343

JURY TRIAL DEMANDED

STIPULATED DISMISSAL WITH PREJUDICE

Plaintiff, Texas Data Co., LLC, and Defendant, CVS Caremark Corporation, pursuant to Fed. R. Civ. P. 41(a)(1)(ii), hereby stipulate to a dismissal of all claims in this action WITH PREJUDICE, with each party to bear its own costs, expenses and attorney's fees.

Dated: May 20, 2011.

Respectfully submitted,

/s/ Scott E. Stevens

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/s/ J. Mitchell Smith

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 20th day of May, 2011.

/s/ J. Mitchell Smith

J. Mitchell Smith